

REMARKS

In the new non-final Office Action, the Examiner has acknowledged Applicants' previous arguments and, in response, withdrawn the previous rejections of claims 1-25. However, the new non-final Office Action raises new grounds of rejection.

The Examiner now rejects: (i) claims 1, 5-7, 9 and 14-17 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,449,647 (hereinafter "Colby") in view of newly cited U.S. Patent Publication No. 2004/0258003 (hereinafter "Kokot"); (ii) claims 2-4, 18-20 and 25 under 35 U.S.C. §103(a) as being unpatentable over Colby/Kokot in view of U.S. Patent No. 6,112,221 to (hereinafter "Bender"); (iii) claim 8 under 35 U.S.C. §103(a) as being unpatentable over Colby/Kokot in view of U.S. Patent No. 6,807,156 (hereinafter "Veres"); (iv) claims 10-12 under 35 U.S.C. §103(a) as being unpatentable over Colby/Kokot in view of U.S. Patent No. 6,981,029 to (hereinafter "Menditto"); (v) claim 13 under 35 U.S.C. §103(a) as being unpatentable over Colby/Kokot/Menditto in view of U.S. Patent No. 6,772,211 (hereinafter "Lu"); (vi) claims 21-23 under 35 U.S.C. §103(a) as being unpatentable over Colby/Kokot/Bender/Menditto; and (vii) claim 24 under 35 U.S.C. §103(a) as being unpatentable over Colby/Kokot/Bender/Menditto/Lu.

Applicants respectfully traverse the §103(a) rejection on the ground that the Colby/Kokot combination fails to teach or suggest each and every limitation of the claimed invention.

In admission of the fact that the previous anticipation rejection based solely on Colby was deficient, the present Office Action introduces a new cited reference, Kokot, to form an obviousness rejection of the claimed invention.

To reiterate, independent claim 1 is directed to a method of processing a request to at least one server, comprising the steps of: receiving the request; and scheduling submission of the request to the at least one server based on: (i) a quality-of-service (QoS) class assigned to a client from which the request originated; (ii) a response target associated with the QoS class; and (iii) an estimated response time associated with the at least one server.

It is apparent that the Kokot reference is specifically introduced to address the failure of Colby to disclose that a quality-of-service (QoS) class is assigned to a client from which a request originated, as claimed. The Office Action cites paragraph [0116] of Kokot for support. Said paragraph [0116] states:

FIG. 11 is a block diagram illustrating an example multimedia networking environment 180 in which a SE router 182 controls packet forwarding by a switch 184 and a CPE device 186 to provide multimedia service to a subscriber according to an associated service profile consistent with the principles of the invention. A service profile for a subscriber may include, for example, a one or more general QoS classes for packet flows originating from or destined for a subscriber device 188 associated with the subscriber. The service profile may identify, for example, routes or packet flows through a network 190 that SE router 182 may forward packets originating from subscriber device 188 on. The service profile may also identify layer-2 links, e.g., VCs, VLANs, or the like, configured between SE router 182, switch 184 and CPE device 186, that packet flows originating from or destined for subscriber device 188 may be forwarded on. The service profile may identify classes of packets that may be forwarded on preferential packet flows, VCs, VLANs, or the like. Further, the service profile may identify a preference level for queuing of packets originating from or destined for subscriber device 188.

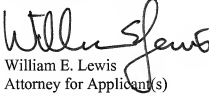
It is clear that what Kokot discloses is that, as defined by a predefined subscriber profile, some particular packet flows may be treated preferentially and may have a QoS class associated therewith (“[t]he service profile may identify classes of packets that may be forwarded on preferential packet flows”). However, this does not mean that a client is assigned to a QoS class, as is expressly claimed. At most, any QoS class mentioned in Kokot attaches to a packet flow, and is not assigned to the client itself. Thus, Kokot, in fact, does not remedy the deficiencies of Colby.

Since Kokot is used in each and every other obviousness rejection raised by the new non-final Office Action, Applicants respectfully assert said new rejections are deficient for at least the same reasons as given above.

In addition, Applicants, after considering the present Office Action in its entirety, respectfully assert the same deficiency arguments presented in their previous response dated May 5, 2008 (the disclosure of which is incorporated by reference herein) with respect to Bender, Veres, Menditto and Lu.

In view of the above, Applicants believe that claims 1-25 are in condition for allowance, and again respectfully request withdrawal of the various remaining rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William E. Lewis', written over the typed name and title.

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